

THE LEGISLATOR AS LAWMAKER – THE SESSION

Being Effective During Session ~ In Committee and on the Floor

Overview	E-1
Annual Regular Legislative Sessions - Key Constitutional Provisions	E-2
LEGISLATIVE DOCUMENTS AND INSTRUMENTS	E-3
Bills	E-3
Resolutions	E-4
Amendments	E-4
Versions of Legislative Instruments	E-4
Digests	E-5
Conference Committee Reports	E-5
Resumé	E-5
Study Requests	E-5
Commendations and Condolences	E-5
Journal/Legislative Calendar	E-5
Calendar/Order of the Day	E-5
LEGISLATIVE PROCEDURE - THE COMMITTEE	E-7
<i>How Committees Function in the Lawmaking Process</i>	
Referral and Recommittal	E-7
Meeting Schedule	E-7
Membership	E-7
Officers; Members	E-8
Staff	E-8
Rules; Parliamentary Procedure	E-8
Quorum and Voting	E-8
Recusal	E-8
Proxy Voting	E-9
Roll Call Votes	E-9
Public Hearings	E-9
Minutes	E-9
Scheduling Legislation	E-9
Fiscal Notes	E-9
Actuarial Notes	E-10
Order of Consideration	E-11
Author's Presence Required	E-11
Amendments	E-11
Committee Reports	E-11
Engrossments	E-13
Senate Committees	E-13
LEGISLATIVE PROCEDURE - THE FLOOR	E-15
Louisiana Constitution	E-15
Statutes	E-15
Rules of Order	E-16
Rules, Customs, and Mason's Manual	E-16
Special Topics	E-17
Additional Information	E-17

BROADCAST OF LEGISLATIVE PROCEEDINGS	E-19
STAFF SERVICES TO ASSIST THE LEGISLATOR DURING SESSION	E-21
<i>How Staff Can Help You During Session</i>	
House Legislative Services in the Legislative Process	E-21
Request for Legislation	E-21
Assignment of Request	E-21
Drafting and Digesting	E-21
Review or Checking	E-22
Proofing and Correction	E-22
Transmittal to Author; Prefiling/Introduction	E-22
Referral to Committee	E-22
Committee Hearing	E-22
Committee Staff	E-22
Fiscal and Actuarial Notes	E-23
Amendments and Redigests	E-23
The House Floor	E-23
Senate Action	E-23
Conference Committee	E-24
Bill Drafting	D-18
Effective Use of Staff Services	D-18
OTHER LEGISLATIVE STAFF IN THE LEGISLATIVE PROCESS	E-25
Office of the Clerk	E-25
Sergeant at Arms	E-25
Office of Public Information	E-25
Caucuses and Delegations	E-25
Legislative Fiscal Office	E-26
Legislative Auditor	E-26
Legislative Computer Center	E-26
Poynter Library	E-27
Docket	E-27
Legislative Bill Room	E-27
Law Institute	E-27
HOW A BILL BECOMES A LAW	E-29

THE LEGISLATOR AS LAWMAKER – THE SESSION

Being Effective During Session ~ In Committee and on the Floor

OVERVIEW

The legislator's role during the session is to carry out the lawmaking function of the legislative branch. The responsibility of the legislature to formulate policy is the legislative role first declared by the founding fathers. The Legislature of Louisiana exercises the power of the citizenry. The legislature may enact any law not specifically prohibited by the state or federal constitution or preempted by federal law.

Floor debate and voting on legislation during a session are the traditional roles perceived for legislators. Today, the legislator's role during session involves far more and is far more visible, as technology and the media have opened the legislative process to wider public access.

A chart which summarizes significant constitutional provisions governing legislative sessions introduces this Part. Areas of particular importance during a legislative session, all of which are explained more fully in the following pages, are:

g **Legislative Instruments and Documents**

Various official documents are used in the course of legislative business during a legislative session. The name of each document and a general description of each are provided.

g **Legislative Procedure in Committees**

The committee system is explained, together with the role of committees in the legislative process. Also included are the roles members and staff play, an explanation of parliamentary procedure in committee, and public access to hearings.

g **Legislative Procedure on the House Floor**

A discussion of legislative procedure used by the House to accomplish debating and voting on instruments is included.

g **Broadcast of Legislative Proceedings**

How the House provides broadcasts of committee and floor proceedings is discussed.

g **Staff Services to Assist Legislators during a Session**

The services offered members by the various components of the legislative staff, including research, bill drafting, fiscal information for members and committees, media and constituent services, and administrative support, are detailed.

Annual Regular Legislative Sessions ~ Key Constitutional Provisions

Provision	Regular Sessions Even-Numbered Years	Regular Sessions Odd-Numbered Years
When session convenes	Noon, last Monday in March	Noon, last Monday in April
Maximum session length	60 legislative days in 85 calendar days	45 legislative days in 60 calendar days
Subject matter limitations	Prohibition on introducing or enacting any measure levying or authorizing a new tax or a tax increase by the state or by a statewide political subdivision or legislating with regard to tax exemptions, exclusions, deductions, or credits	Prohibition on introduction or consideration of measure having effect of law (including suspension) unless its object is to enact a general appropriations bill, enact the comprehensive capital budget, make an appropriation, levy or authorize a new tax, increase an existing tax, levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits, or legislate with regard to the issuance of bonds. Restrictions do not apply if: (1) The matter is prefiled by the prefiling deadline (this exception is limited to five of such matters per member per session); or (2) The object of the matter is to enact a local or special law which is required to be and has been advertised in accordance with Const. Art. III, Sec. 13 and is not prohibited by Const. Art. III, Sec. 12
Number of bills member may introduce	Five, unless prefiled by prefiling deadline ¹	Five, unless prefiled by prefiling deadline ¹
Deadline for prefiling of bills (Does not apply to constitutional amendments)	5 p.m. on the 10th calendar day prior to 1st day of session (Constitutional amendments must be prefiled at least 10 days before session)	5 p.m. on the 10th calendar day prior to 1st day of session (Constitutional amendments must be prefiled at least 10 days before session)
Deadline for bill introduction (Does not apply to constitutional amendments) (Bill introduction after deadline not permitted)	6 p.m. of the 23rd calendar day (Constitutional amendments must be prefiled at least 10 days before session)	6 p.m. of the 10th calendar day (Constitutional amendments must be prefiled at least 10 days before session)
Deadline for 3rd Reading/Final Passage	6 p.m. of 57th legislative day or 82nd calendar day whichever occurs first (Except by 2/3 vote of both houses)	6 p.m. of 42nd legislative day or 57th calendar day whichever occurs first (Except by 2/3 vote of both houses)
Time of adjournment sine die	6 p.m., if on 85th calendar day; <i>Midnight</i> , if prior to 85th calendar day	6 p.m., if on 60th calendar day; <i>Midnight</i> , if prior to 60th calendar day

¹ Exceptions permitted by joint rule. Joint Rule No. 18 provides that the following bills are not subject to five-bill limit: general appropriation bill; judicial branch appropriation; legislative branch appropriation; capital outlay bill; omnibus bond authorization bill; supplemental appropriations bill; revenue sharing bill; ancillary funds bill.

LEGISLATIVE INSTRUMENTS AND DOCUMENTS

The following are the names and brief descriptions of various legislative instruments and documents. Additional information regarding their uses is covered in other portions of this guide.

BILLS

Bills are instruments proposing changes in either statutory law or the state constitution.

- g A bill designated as a **Joint Resolution** proposes to change the constitution by adding new provisions or by amending or repealing existing provisions. It requires the favorable vote of 2/3 of the members of each house for final passage and subsequent placement on the election ballot. It is not subject to veto by the governor.
- g A bill designated as an **Act** proposes to enact new statutory law or to amend or repeal existing law.
- g A **local bill** is one which would apply only in a limited area, such as a designated parish, municipality, or political subdivision. The constitution prohibits the enactment of a local law unless notice of intention to introduce a bill to enact such a law has been published in the official **journal of the locality** to be affected on two separate days at least 30 days prior to introduction of the bill.
- g A **retirement bill** is one which would change the law relating to any retirement system for public employees. Notice of intention to introduce such a bill must be advertised in the official **state journal** twice at least 30 days prior to introduction. An actuarial note prepared by the legislative auditor's office must accompany the act or joint resolution to provide legislators with a reasonably accurate estimate of cost to the state or affected system.
- g A **substitute bill** (including a joint resolution) is a new bill reported by a committee to substitute for a bill on the same subject matter.
- g A **duplicate bill** is a bill (including a joint resolution) which originates in one house and has been determined upon comparison to be "exactly like" or "substantially similar" to another instrument introduced in the other house. Authors must consent to having their bills designated as duplicates. Usually only the bill farthest along in the legislative process, once the duplication is identified and agreed to, is advanced.
- g The **general appropriation bill** is itemized and contains only appropriations for the ordinary operating expenses of the executive branch of state government. The **capital outlay bill** contains the projects in the comprehensive state capital construction program.

RESOLUTIONS

Resolutions are designated **concurrent** when they are considered by both houses of the legislature and are designated **simple** when considered by only one house. Except for a concurrent resolution which suspends a law, a resolution does not have the force and effect of law.

- g A **concurrent resolution** is used for a matter of interest to both houses and may originate in either the House of Representatives or the Senate. It may be used to express the sentiment of the legislature, to "urge and request" agency action, to establish certain joint committees, or to provide for joint rules of procedure.
- g A **suspension resolution** is used to suspend a law for a fixed period of time. It is subject to many of the procedures and formalities required for the enactment of the law, but it is not subject to veto by the governor.
- g A **simple resolution** is used to provide for rules of procedure or to address some other matter of interest to only one house.

AMENDMENTS

An amendment is a device for changing the wording of a bill or resolution. An amendment proposed by a committee of a house is designated a **committee amendment**, and an amendment proposed by an individual legislator when the full house is in session is designated a **floor amendment**.

VERSIONS OF LEGISLATIVE INSTRUMENTS

Legislative instruments are given the labels of **original**, **engrossed**, **reengrossed**, **re-reengrossed** or **enrolled** to indicate their status during the course of a session.

- g The **original** bill or resolution means the form of the instrument at the time of its introduction. Following a favorable action on a bill by a committee in the house of origin, it is ordered by the full house to be **engrossed** and passed to third reading. If a bill is amended on the floor, it is ordered **reengrossed**. After a bill has been reengrossed, if it is amended again in the house of origin, it will be **re-reengrossed**. This happens most often when house committee amendments from two different committees have been added and then floor amendments are adopted. (In some instances a bill may be reengrossed prior to third reading and final passage.) When an instrument is ordered to be engrossed or reengrossed, it is retyped to incorporate any amendments which have been adopted by the house of origin. A bill or resolution is not reengrossed to incorporate amendments in the second house.
- g The final version of an instrument which has been passed by both houses, or by the one house in the case of a simple resolution, is the **enrolled** version; and it incorporates all amendments which have been adopted during the process. If an enrolled bill is approved by the governor, it becomes an **Act** and is given an Act number by the secretary of state.

DIGESTS

A digest is a summary of the contents of a bill or resolution. The digest is prepared by the staff, usually in a form which states the existing law and the changes proposed by the instrument. For the sake of easy reference, it is printed at the end of the instrument; but it is not actually a part of the legislation. The digest also contains a summary of substantive amendments which have been adopted.

CONFERENCE COMMITTEE REPORTS

This document, used when the house of origin does not concur in the amendments to an instrument from the second house, is essentially a proposed compromise between the chambers as to how a legislative instrument will finally be adopted. It includes a statement of those amendments in the second house to be accepted and those to be rejected and any additional proposed amendments. Rules determine the three conferees representing each house who determine the final language of an instrument to be approved by a majority of each house (2/3 for joint resolutions).

RESUMÉ

The Resumé is a compilation of digests of Acts, Resolutions, and enrolled bills vetoed by the governor, together with tables and other statistical data, for an entire legislative session.

STUDY REQUESTS

An instrument requesting a committee study during the interim between legislative sessions is called a study request and, like a resolution, may be a **simple** study request, if it concerns a committee of only one house, or a **concurrent** study request, if it concerns committees of both. Study requests are circulated on lists periodically during the session and are approved if not objected to by one-third of the membership of the house in question. Study requests are used only to request studies by standing committees. Resolutions sometimes request special studies.

COMMENDATIONS AND CONDOLENCES

Commendations or congratulations and other tributes may be expressed by either or both houses in the form of a printed certificate upon the request of one or more members and processed through the clerk or secretary of his respective house. Resolutions are used to express condolences and may be used for commendations.

JOURNAL/ LEGISLATIVE CALENDAR

Each house keeps a daily journal of its floor proceedings, including record votes, and compiles a final version for an entire session. The Legislative Calendar publication contains a listing of all House and Senate bills and resolutions in numerical order and a listing of the actions taken on each in chronological order, referenced to Journal entry.

CALENDAR/ORDER OF THE DAY

The term "calendar" also refers to the listing of instruments which are pending in either house at a given time. Bills are listed in the order in which they may be taken up for consideration under the rules of the particular house. In general usage, it usually refers to instruments on third reading and final passage, i.e., the regular calendar, local and

consent calendar, and major state calendar. The Order of the Day in the House is a document prepared daily by the office of the clerk, organized according to the usual order of business and listing each instrument in the appropriate order in which it may be acted upon. The Senate Order of the Day, prepared by the Senate Secretary, is similar.

LEGISLATIVE PROCEDURE – THE COMMITTEE

How Committees Function in the Lawmaking Process

The role of the committee in screening legislation during the session, particularly the respective roles of its officers, members, and staff and of authors, proponents, and opponents of legislation before the committee, is discussed below. Additional information on this topic can be found in the *Rules of Order of the House of Representatives* and in *Quick Guide to Committee Procedure in the Louisiana House of Representatives*.

REFERRAL AND RECOMMITTAL

The session work of the House is divided among its 17 standing committees, permanent committees which have subject matter jurisdictions as prescribed in the rules of the House. During session, all legislation, except perfunctory resolutions and, in some cases duplicate Senate Bills, is referred to committees by the speaker based upon this jurisdiction. Some instruments are required to be recommitted to a second committee after the first committee hearing: proposed constitutional amendments are recommitted to the Civil Law and Procedure Committee; the Capital Outlay Bill, the concurrent resolution to adopt the Minimum Foundation Program formula for school systems, bills creating special funds or amending the law relative to a special fund, and Senate Bills with a fiscal cost of \$500,000 or more are recommitted to the Appropriations Committee; Senate Bills with an impact on fees or taxes in excess of \$500,000 are recommitted to the Ways and Means Committee; and resolutions relative to committee studies and instruments providing exceptions to the laws relative to public records are recommitted to the House and Governmental Affairs Committee (*House Rules 6.5, 6.6, and 6.8*).

MEETING SCHEDULE

Each committee holds its hearings on legislation according to a uniform meeting schedule (certain day(s) of the week) and is assigned a permanent meeting room for its hearings. House Rule 6.7 designates committees as "Morning," "Afternoon," or "Weekly" committees. Traditionally, they meet as follows: Morning committees on Mondays and Tuesdays, Afternoon committees on Wednesdays and Thursdays, and Weekly committees on Fridays, but this schedule is sometimes changed.

MEMBERSHIP

Each committee, except Appropriations, is limited to 18 members, excluding the chairman. The membership of the Appropriations Committee is specifically provided for in the rules. No member may serve on more than three standing committees or more than one committee which meets regularly at the same time (*House Rules 6.3 and 6.4*).

**OFFICERS;
MEMBERS**

The officers and members of each House committee are appointed by the speaker, except for those members of the Appropriations Committee who are elected by the membership of the House from congressional districts (*House Rules 6.3 and 6.4*).

The duties of the chairman include: deciding the agenda of all committee meetings; calling and presiding at such meetings; explaining rules of order and deciding points of order; allocating the time available in an equitable manner among persons testifying before the committee; recognizing committee members for questions and motions; and overseeing preparation of committee reports on legislative instruments. The vice chairman carries out the duties of the chairman in his absence.

The rights and duties of committee members include: attending all committee meetings; participating freely in committee discussions and debates; offering motions and asserting points of order; questioning witnesses; and offering amendments to and voting upon any legislative instrument before the committee (*House Rules 14.2, 14.3, and 14.6*).

STAFF

Committee staff is comprised of one or more legislative analysts or attorneys and a committee secretary. During sessions, a committee clerk is hired to assist with meeting preparations.

The duties of the legislative analyst or attorney include: reviewing all legislative instruments to be considered by the committee; preparing necessary amendments, background materials, and analyses of such legislation; and compilation of committee reports.

The committee secretary is generally responsible for preparation of committee minutes and completion and maintenance of all committee documents and files. The committee clerk helps organize committee materials for meetings.

**RULES;
PARLIAMENTARY
PROCEDURE**

Committee proceedings are governed by uniform rules of committee procedure as stated in the House Rules. A committee may also adopt supplementary rules to govern its procedure. Generally, parliamentary procedure in committee is less formal than that required on the House floor (*House Rule 14.1 and Chapter 14 of the House Rules*).

**QUORUM
AND VOTING**

Presence of a quorum, that is a majority of the current membership of a committee, is required for a committee to transact business and to take official action on a matter. Except as otherwise provided by the constitution or rules, approval of a motion requires a majority of the quorum present and voting (*House Rules 14.36, 14.38, and 14.40*).

RECUSAL

A committee member may recuse himself from all proceedings relating to any question in which he believes he has a conflict of interest. Members recused are not counted in determining the number required for a quorum. (*House Rules 14.9 and 14.40*).

PROXY VOTING

Proxy voting by a committee member is not allowed, nor may any member vote on a matter if he was not in the committee room before the vote was announced by the chairman (*House Rule 14.42*).

ROLL CALL VOTES

Votes on bills, and votes on amendments to which an objection is raised, are taken by roll call. Any other vote is taken by roll call if demanded by any member. All roll call votes are record votes. They appear in the records of the committee. (*House Rule 14.43*).

PUBLIC HEARINGS

The Louisiana Constitution requires that a committee hold a public hearing and report on a bill before it is considered for final passage. (*Article III, Section 15*).

The constitutional requirement for a public hearing is satisfied by due notice of the committee meeting given within the time limits prescribed by the House Rules, opportunity at the meeting for interested persons to appear before the committee to testify for or against proposed legislation, and all votes being taken in meetings open to the public (See *Article III, Section 15; House Rules 14.11, 14.23, 14.24, 14.25, 14.26, 14.27, 14.28, 14.29, and 14.32* and applicable provisions of *R.S. 42:4.1 et seq.*).

Under *Joint Rules of the Senate and House*, a duplicate bill is not required to be referred to, heard by, or reported by a committee in the second house if the committee has already reported identical or substantially similar legislation (*Joint Rule 5*).

MINUTES

Minutes of each committee meeting are kept as a public record (*House Rules 14.47 and 14.48*. See also *R.S. 42:7.1 and 7.2*). The House also maintains audio recordings of committee meetings.

SCHEDULING LEGISLATION

Exact procedures for scheduling legislation to be heard by a committee vary among committees. Committee staff should be contacted for the scheduling system of that committee. Committee staff is also available to assist any member with legislation to be heard by the committee, including notifying interested persons, preparing amendments, and insuring the member's presence when the instrument is heard.

FISCAL NOTES

Joint Rule No. 4 requires that a fiscal note be prepared by the legislative fiscal office for a committee to consider bills and joint resolutions: (1) affecting receipt, expenditure, allocation, or dedication of \$100,000 or more of state funds; (2) authorizing issuance of general obligation bonds of the state; (3) concerning federally funded programs involving expenditure of \$100,000 or more of state funds; (4) providing a minimum or maximum mandatory prison sentence; or (5) affecting receipt, allocation, or dedication of any political subdivision's funds.

A fiscal note prepared by the Legislative Auditor is also required for a committee to consider bills and joint resolutions: (1) affecting receipt, expenditure, allocation, or dedication of funds of state entities to which

state funds are not appropriated; (2) affecting expenditure of a political subdivision's funds; or (3) concerning federally funded programs involving expenditure or allocation of any political subdivision's funds.

The instrument's author, the chair of the committee to which the bill is referred, or the chief clerical officer of either house is responsible for obtaining these notes. Prior to prefiling or introduction, when a bill draft is transmitted by the staff to the author, the author is requested to provide written instructions to the House Clerk concerning a fiscal note. If the author requests a fiscal note the clerk will order one for him, or if instructions are not received within seven days, a copy of the instrument is sent to the clerk who will order a fiscal note if he determines one is necessary. The clerk also may order a fiscal note for any bill prefiled or introduced.

Fiscal notes must show a reliable estimate of the fiscal effect of the measure. Also, if a committee reports a measure with any amendment that alters the fiscal effect, the committee chair must request a revised fiscal note.

ACTUARIAL NOTES

R.S. 24:521 requires that, at the time of consideration in committee of a bill or resolution proposing any change in the law relative to any state, parochial, or municipal retirement system funded in whole or in part by public funds, an actuarial note must be attached to the instrument. The note is to provide a reliable estimate of the financial and actuarial effect of the proposed change in any such retirement system. The legislative auditor is responsible for preparation of actuarial notes and the legislative actuary is the person on the auditor's staff who performs this function.

When the HLS staff transmits a draft of a retirement bill to the author for his review, a memo will be attached advising that the bill may require an actuarial note and that the author may instruct the House Clerk either to obtain or not to obtain an actuarial note. If the author instructs that no actuarial note be obtained, no request for an actuarial note will be made prior to the prefiling or introduction. However, if no written instruction is received within seven days, the clerk may request an actuarial note at any time prior to prefiling or introduction, giving due consideration to the recommendation of the staff. In addition, at prefiling or introduction, the clerk may request an actuarial note, and the chairman of the committee to which the bill is referred may request an actuarial note immediately upon referral of the bill or resolution. When a committee reports any legislative instrument to which an actuarial note was attached at the time of committee consideration with any amendment that would substantially affect the costs to or the revenues of any retirement system as stated in the actuarial note, the chairman of the committee reporting such instrument is responsible for obtaining an actuarial note on the change proposed by the amendment. In addition, when a floor amendment is offered that would substantially affect the cost to or the revenues of any retirement system as stated in

the most recent actuarial note and the member proposing such amendment does not present an actuarial note on his proposed amendment, any member may offer a motion that the proposed amendment be withdrawn. If the motion is adopted by the favorable vote of a majority of the quorum present the amendment is withdrawn, but the amendment may be proposed again at any time it would otherwise be in order, provided that the required actuarial note is presented at that time.

R.S. 24:521(E) requires that prior to prefiling (prior to introduction if the instrument is not prefiled), the subject matter of bills or resolutions submitted to the legislative auditor for preparation of actuarial notes must be kept in strict confidence, and no information relating thereto or relating to the fiscal or actuarial effect of any such instrument shall be divulged by the legislative auditor or any of his employees, except to: the instrument's author(s); the House Clerk for House instruments and Senate Secretary for Senate instruments; the legislative fiscal officer and his staff. The same law also provides that after prefiling (after introduction if an instrument is not prefiled), copies of the actuarial note must be furnished to the author, the House Clerk for House instruments and Senate Secretary for Senate instruments, and the committee to which the instrument is referred. Actuarial notes which are no longer confidential are available on the Internet (with bill history) and in Legislative Assistant (a computer application available to members on their laptop computers).

ORDER OF CONSIDERATION

The order of consideration of legislative instruments scheduled to be heard at a committee meeting generally follows that listed in the committee notice and agenda for that meeting, but the committee may alter the order of consideration of such instruments or defer action on any of them. The agenda must adhere as closely as possible to the matters listed in the meeting notice and the meeting notice may not include any instrument not included on the committee's weekly committee schedule unless the rules are suspended. (*House Rules 14.23 and 14.30*).

AUTHOR'S PRESENCE REQUIRED

Committees are prohibited from taking up a House bill or instrument unless its author or coauthor is present or has given written consent to allow the bill to be taken up in his absence (*House Rule 14.12*).

AMENDMENTS

Although the author of a bill may present amendments to it for consideration, amendments must be formally offered for adoption by a committee member (*House Rule 14.7*).

COMMITTEE

It is the duty of the committee to consider the merits of a legislative instrument and determine whether to report it to the House as a part of its committee report.

REPORTS

Neither the constitution nor the House Rules require a committee to report every legislative instrument referred to it. However, legislative instruments prefiled and voted on by a committee during the interim must be reported in the same manner once they are formally introduced during the session unless otherwise authorized by the House. (*House Rule 6.11(B)(3)*) (See *The Committee System – The Interim Between Sessions* beginning on page D-3.)

Legislation not reported by committee, including any instruments which the committee votes to defer, is said to have “died in committee.”

The report of a legislative instrument must be affirmatively adopted by a majority of the quorum of the committee present and voting. Failure to adopt any report simply means the instrument remains in the committee (*House Rule 6.9*).

COMMITTEE REPORT

A committee may report a legislative instrument in only one of the following ways:

- g Favorably*
- g Unfavorably*
- g With amendments
- g Either favorably, with amendments, or without action with recommendation that it be recommitted to another committee
- g By substitute (substituting a different bill on the same subject).

*No amendments are included in the report.

(*House Rule 6.11*)

The contents of the committee report are: the report of the committee on each legislative instrument upon which the committee took action at the meeting, including the vote by which the report on the instrument was decided; the committee’s recommendation on whether the instrument should be placed on the regular, local and consent (noncontroversial), or major state calendar of the House; recommendation for consideration in Special Order of the House, if the committee has so voted; designation of a bill as a “duplicate,” if the committee has so voted; and any amendments recommended by the committee. The report does not state any reasons for the actions taken by the committee.

Committee reports are advisory only and must be approved by the membership of the House. Although adoption of committee reports is usually routine, a committee report is occasionally challenged on the House floor in an attempt to “override the committee”. Adoption of a motion that would have the effect of rejecting the committee report, except a motion to recommit, to postpone indefinitely, or to withdraw from the files of the House, requires the favorable vote of a majority of the elected members of the House (*House Rule 6.11*).

ENGROSSMENTS

Upon adoption of the committee report, any committee amendments to a legislative instrument become part of that instrument. The process of incorporating the amendments into the instrument is called "engrossment," and the instrument itself is said to be "engrossed" for consideration by the full House (*House Rule 7.8*).

SENATE COMMITTEES

Senate committees operate in a manner similar to House committees; however, some differences do exist. The *Rules of Order of the Senate* should be consulted.

LEGISLATIVE PROCEDURE – THE FLOOR

The purpose of legislative sessions is to allow elected representatives the opportunity to propose, debate, and vote on legislative instruments. The rules of parliamentary procedure exist as guidelines controlling the progress of legislation, the legislative process, and the debate and voting by representatives. The guidelines control what is debated and voted on, when the debates and votes take place, and how the debates and votes are conducted. These rules of parliamentary procedure are contained in five sources listed below in relative order of importance and precedence.

- g *The Louisiana Constitution*
- g *The Louisiana Revised Statutes*
- g *The Rules of Order of the House of Representatives and Joint Rules of the Senate and House of Representatives*
- g Custom, Practice and Usage of the House of Representatives
- g *Mason’s Manual of Legislative Procedure*

LOUISIANA CONSTITUTION

In Article III, the constitution sets out the basic requirements for passage of a legislative Act. These are eight in number, as follows:

- g Introduction during the session.
- g Single object and title indicative of that object.
- g Reading of the instrument at least by title on three separate legislative days in each house.
- g Public committee hearing and report.
- g All actions to be taken in open public meetings.
- g Favorable vote by at least a majority of the elected members of each house.
- g Record vote on final passage.
- g Concurrence in amendments and conference committee reports by record vote of same number required to pass the bill.

These requirements *cannot* be altered or suspended. Failure by either body to follow these requirements renders a bill null as unconstitutional.

STATUTES

Louisiana’s statutes generally do not govern procedure during sessions as such. However, the statutes do provide procedures for certain legislative functions, including procedures for the legislature to call itself into extraordinary session, oversight of agency rules, “sunset” review of departments and procedure for adoption of laws re-creating agencies and departments, voting by mail ballot on certain matters between sessions, requirements for public notice of introduction of certain legislation, and the powers and duties of joint legislative committees created by statute or by concurrent resolution.

RULES OF ORDER

Rules of the House of Representatives are adopted solely by the House; the Senate has its own separate rules. The rules control the daily workings of the House and especially the process by which bills proceed from introduction to final passage. This process takes a bill through a series of “Orders of Business.” These “Orders” are numerically differentiated and represent each parliamentary step between introduction and final passage. Each different type of instrument, i.e., bill or resolution, has its separately designated “Orders.” These “Orders” are divided into the Morning Hour and the Regular Order. The Morning Hour contains all of the orders preliminary to final passage; the Regular Order contains the orders for final passage, concurrence in amendments, and consideration of conference committee reports. These orders are listed in House Rules Nos. 8.1 and 8.2.

The Rules of Order also prescribe various procedural motions that members may make. Those commonly made during a legislative session are found in Chapter 9 of the rules, which, while not an exclusive listing, explains the most common motions.

House Rule 9.5 sets out the precedence of certain motions. When one of these nine motions has been made, only a motion of higher precedence is in order to be considered in advance of the original motion. For example, if a member moves to table a matter, another member may not move the previous question (lower order), but may move to return the bill to the calendar (higher order).

Rules of Order may be altered or suspended. To alter the rules, the body must adopt a resolution amending the rules. To suspend the rules, a member simply moves to suspend the rules to do a certain thing. With the concurrence of two-thirds of the members present and voting, the rules are suspended.

The Joint Rules of the Senate and House of Representatives govern the holding of joint sessions, the functioning of joint committees, fiscal notes, procedures for passage of duplicate bills, and limitations on the introduction and consideration of bills.

RULES, CUSTOMS, AND MASON’S MANUAL

These three sources embody Louisiana’s parliamentary procedure. When the rules are silent, the House reverts to its customary practice to govern proceedings. If no custom exists, then and only then will the House consult *Mason’s Manual of Legislative Procedure* to determine the appropriate procedure. Mason’s is seldom relied upon, because the House has well-developed rules and customs.

The purpose of parliamentary procedure is to allow the body to perform its work of proposal, debate, and voting within an orderly framework. Parliamentary procedure should be designed and implemented to facilitate that purpose. The simplest procedure or solution to a parliamentary question which leads to a furtherance of the purpose is always the preferred one.

SPECIAL TOPICS

Introduction Deadlines (*Const. Art. III, §2*). Members may prefile any number of bills until 5:00 p.m. of the tenth calendar day preceding a regular session. Thereafter, no member may introduce more than five bills, except as provided by the joint rules of the legislature (*Joint Rule 18*). Constitutional amendments must be prefiled at least 10 days prior to a regular session but may be prefiled or introduced within the first five days of an extraordinary session (*Const. Art. XIII, §1*). In a regular session in an even-numbered year, no bill may be introduced after midnight of the twenty-third calendar day; in an odd-numbered year, the deadline is midnight of the tenth calendar day. There is no such deadline for bill introduction in an extraordinary session, except for constitutional amendments as noted above.

Prefiling (*Rule 7.2*). Most bills are prefiled before the session convenes. A prefiled bill will be provisionally referred to a committee and may be debated in the committee prior to session. (See *The Committee System – The Interim Between Sessions* beginning on page D-3.) These bills are introduced on the first day of the session and re-referred at that time.

Advertising (*Const. Art. III, §13 and Article X, §29*). Local bills and bills affecting the retirement systems must be advertised prior to introduction. The advertisements must be published twice, the last time at least 30 days prior to introduction. (See *Local Bill and Retirement Bill* on page E-3.)

Subject matter limitations (*Const. Art. III, §2*). The constitution dictates the types of subject matters that the legislature may consider in odd-numbered and even-numbered years, respectively. (See *Annual Regular Legislative Sessions - Key Constitutional Provisions* on page E-2.)

ADDITIONAL INFORMATION

Additional information about House Floor procedure can be found in the House publication *Quick Guide to Floor Procedure in the Louisiana House of Representatives*.

BROADCAST OF LEGISLATIVE PROCEEDINGS

The House of Representatives utilizes state of the art audio and video systems for its committee rooms and chamber. As presently configured, the proceedings are available in several formats, both to persons in the Capitol and to the general public.

AUDIO

Through directly wired audio stations in the Capitol, persons may listen to live House and Senate committee proceedings, as well as live audio from the House and Senate chambers. In addition, the state's Office of Telecommunications Management (OTM) provides a dial-up subscription service that allows subscribers to listen to committees and the chambers using speaker telephones.

VIDEO

Three video services are produced by the House. First, closed circuit television (CCTV) coverage of the House committee rooms and chamber, as well as the Senate chamber and certain Senate committee rooms, is provided in the Capitol building. This system includes the press offices, as well as anyone in the Capitol complex subscribing to the local cable television service. The legislative channels are also provided to the members' desks in the House chamber.

Second, either a live or tape-delayed broadcast is provided to many cable television systems in the state through a cooperative effort with Louisiana Public Broadcasting (LPB) and the Louisiana Cable Telecommunications Association. The signals originating from the Capitol are distributed by LPB via satellite to the cable systems during a four-hour time block each legislative day. These systems may air the signals when received or tape them for later broadcast.

Third, all committee and chamber proceedings of the House of Representatives are available live on the Internet through the House of Representatives home web page (<http://house.louisiana.gov>). This service uses streaming audio and video technology to allow anyone connected to the Internet to see and hear the proceedings. Similar services are provided by the Senate. The House proceedings are also archived on the House's Internet server so that persons may view a meeting or chamber session any time after the event.

STAFF SERVICES TO ASSIST THE LEGISLATOR DURING SESSION

How Staff Can Help You During Session

The following is an outline of staff assistance available to House members throughout the process of legislating, from the initial request for legislation to enacted law.

House Legislative Services in the Legislative Process

REQUEST FOR LEGISLATION

The process of legislating begins when a member requests that a legislative instrument, a bill or resolution, be prepared by House Legislative Services (HLS). The member may contact any HLS staff member to make a drafting request.

ASSIGNMENT OF REQUEST

The appropriate HLS division director will make every effort to assign the request to a member of the staff who has experience with the particular subject matter area and whose primary assignment is to staff the standing committee to which the final instrument is likely to be referred by the speaker. The 17 standing committees of the House of Representatives are divided among the five research divisions of the House staff. (See *House Legislative Services* beginning on page A-7.) (See *House Rule 6.6* for committee subject matter.)

DRAFTING AND DIGESTING

The drafter will not only draw from his own training and experience, but will have the benefit of the experience of other members of the staff of his division and other divisions of House Legislative Services, as well as the Poynter Library. Subject to the rules of confidentiality, the drafter may also take advantage of information or expertise available from the staffs of the House Clerk, the Legislative Fiscal Office, the Louisiana State Law Institute, the Attorney General's Office, the Legislative Auditor, the appropriate executive department, or any other governmental agency or private organization, including sources in other states or such national organizations as the National Conference of State Legislatures (NCSL).

The drafter will make every effort to insure that the bill achieves the intent of the author and that the proposed changes in law are properly integrated into present law. It is the drafter's duty to explore and raise questions of constitutionality, practicality, and policy regarding the implementation of the request, but it is the province of the legislator to decide such questions. To that end, it is highly desirable that a free flow of information exist between the drafter and requestor or the drafter and someone with whom the requestor authorizes communication. Communication of sensitive information to a drafter should not be a concern to the requestor, since the staff operates under a rule of strict confidentiality that provides that legislative requests are confidential between the legislator and the staff.

In addition to the draft of the requested legislation, the drafter also will prepare a “digest” or explanation of the contents of the legislative instrument.

**REVIEW
OR CHECKING**

Next, a senior drafter, usually a division director, will review the work of the drafter to insure that the draft satisfies the requestor’s purpose and is substantively and technically correct. The reviewer may suggest changes to improve the draft.

**PROOFING
AND CORRECTION**

After being checked, the instrument is forwarded to the Administrative Services section of HLS for proofreading and correction of technical errors and for final printing and processing for transmission to the author.

**TRANSMITTAL
TO AUTHOR;
PREFILING/
INTRODUCTION**

If the instrument is drafted prior to the session in time for prefiling, it is transmitted to the author in his district office. At this point, the author may ask the staff to make changes or to redraft the bill. If the bill is requested too late for prefiling, it will be transmitted to the author on the House floor during a session for introduction by the author. In any event, it is the author who authorizes prefiling the instrument or authorizes the filing of the instrument with the clerk for introduction. When a bill is prefiled or introduced it is given a number, becomes public, and copies are available. It is also available on the Internet. After prefiling (or introduction if not prefiled), all versions of the bill through the process are available on the legislature's website (www.legis.state.la.us) and are available to House members through the Legislative Assistant program on their laptops.

**REFERRAL
TO COMMITTEE**

Following the prefiling or introduction of the instrument, it is referred to one of the 17 standing committees in accordance with the House Rules governing subject matter jurisdiction of committees. With the benefit of committee staff assistance, the chairman may decide to schedule the instrument for hearing at an appropriate point in the session or may schedule only those instruments for which the author has requested a hearing. (See *House Rule 6.10*.) The committee secretary, with the assistance of the committee clerk, will notify the author of an instrument concerning a proposed hearing date.

**COMMITTEE
HEARING**

Formal notices for all session committee hearings are posted in various public locations and on the Internet, and reasonable efforts are made by the committee secretary and committee clerk to notify any person who has requested notice of the committee hearing on specified instruments.

COMMITTEE STAFF

The committee staff usually is composed of one or more legislative analysts or attorneys, a secretary, and (during session) a clerk, and is supported by other staff members of the division and its administrative secretary and division director. The committee legislative analysts or attorneys are available to provide research and information not only to

the committee members but to any other House member and to prepare amendments for instruments referred to the committee. The more advance notice the staff has for needed research or preparation of amendments, the better the system works. This is particularly true for complex, major, or controversial instruments, including the general appropriation bill.

FISCAL AND ACTUARIAL NOTES

It is at this point that a fiscal note (estimating the fiscal impact of the proposed legislation (*Joint Rule 4*)) or an actuarial note (estimating the actuarial effect in the case of a bill affecting retirement (*R.S. 24:521 and House Rule 7.17*)) may be required by a committee under certain conditions. (See *Fiscal Notes* beginning on page E-9 and *Actuarial Notes* beginning on page E-10.) The process for requesting a fiscal note begins as soon as the bill is transmitted when the author is advised whether the staff believes that a fiscal note is necessary and asked to advise the clerk in writing whether he wishes to request a fiscal note or not. If the author requests a fiscal note the clerk will order one for him. If the author's instructions to the clerk are not received within seven days, a copy of the bill is sent to the clerk who orders a fiscal note if he determines one is necessary. After a bill is prefiled or introduced, the clerk and the chair of the committee of referral have authority to request the preparation of a fiscal note. The process of requesting an actuarial note is similar.

AMENDMENTS AND REDIGESTS

Following the hearing, the legislative analyst or attorney will insure that all committee amendments are in proper order and will revise the digest of the instrument to reflect the changes contained in the committee amendments and include a list of changes proposed by the committee amendments for use in House Floor action. The amendments and redigests are reviewed by the division director. The committee secretary will prepare the committee's report to the full House.

THE HOUSE FLOOR

Prior to the expected day of floor debate and action on a legislative instrument, the committee staff for the committee that reported the instrument is available to assist with the gathering of information or preparation of floor amendments. On the day of expected floor debate and action, a request for floor amendments should be made to the staff on floor amendment duty in the amendment room in the southeast corner of the House Chamber.

SENATE ACTION

Once the legislative instrument has passed the House and is received and referred to committee in the Senate, it is important for the author to contact not only the Senate committee chairman, but the committee staff as well, to request that the instrument be heard. The author may handle the bill himself in the Senate committee or he may prefer to arrange for a Senator to handle it for him, but he must arrange for a Senator to handle the bill on the Senate floor. Senate staff is responsible for preparing amendments to bills in the Senate. However, HLS staff

is available to assist during these steps in the process by drafting amendments or providing information.

**CONFERENCE
COMMITTEE**

If the Senate passes and returns a legislative instrument to the House with amendments, the HLS staff will prepare an analysis thereof and discuss these changes with the author in advance of the instrument being further considered by the House. Should the House fail to concur in the amendments, a conference committee is appointed to consider the differences and report its recommendations to both houses. Usually, the staff of the committee that heard and reported the bill will prepare the conference committee report, at the direction of conference committee members, and will also prepare a digest of the instrument for use in floor action on the conference committee report.

OTHER LEGISLATIVE STAFF IN THE LEGISLATIVE PROCESS

In addition to the research divisions of House Legislative Services, each of the following components of legislative staff provides the Louisiana House of Representatives with a significant service directly related to the business of a legislative session.

OFFICE OF THE CLERK

The main duties of the House Clerk involve prefiling, filing, and distributing all legislative instruments; maintaining the daily floor calendar; recording proceedings for the House Journal; serving as custodian of legislative instruments; engrossing instruments that have been amended; enrolling instruments that have passed; reading the daily journal and all motions presented to the House; receiving committee reports; informing members of pending amendments, assisting the speaker, other members, and staff with parliamentary procedure and House rules; supervising his staff and session employees, including pages; directing computer services and audiovisual services; and other duties as prescribed by rule or law.

SERGEANT AT ARMS

The duties of the sergeant at arms are generally to be present when the House is in session and maintain order in the chamber and all legislative meeting rooms, to supervise all assistant sergeants at arms, to provide assistant sergeant at arms at each committee meeting to assist the chairman, to provide transportation between the House offices and the local airport and to and from out-of-town committee meetings, to accept deliveries, and to execute all process issued by the House. The sergeant at arms also maintains the security of all House facilities and assists in providing security for the State Capitol. The sergeant at arms staff includes emergency responders who are able to respond to medical emergencies in the Capitol.

OFFICE OF PUBLIC INFORMATION

The purpose of the House Public Information Office is to assist House members and staff with public information and media relations. This office designs new marketing strategies, such as publications or videos, to promote current and upcoming services; develops policies for producing media services; provides still photographs for legislators and staff; creates publications that increase knowledge of and promote public involvement in the legislative process; acts as liaison with schools and community organizations; and assists with audio, video, and print communication for media use.

CAUCUSES AND DELEGATIONS

While the services provided vary among the caucuses, most serve their members as a source to assist legislative district offices, perform constituent services and special projects, and serve as liaison to other state agencies and the executive and judicial branches of government. Of particular value is the ability of the caucus or delegation staff to work with local and congressional-level officials, lobbyists, and the general public.

**LEGISLATIVE
FISCAL OFFICE**

The Legislative Fiscal Office serves both the House and Senate by analyzing budgets and performance of the state and its agencies, preparing most fiscal notes on proposed legislation and regulations, answering fiscal information requests of individual legislators, and preparing revenue estimates for the Revenue Estimating Conference.

**LEGISLATIVE
AUDITOR**

As a constitutionally created office, the legislative auditor serves as a fiscal adviser to the legislature by reporting on the status of the general fund and the financial condition of the state treasury and by preparing actuarial notes on retirement bills and certain fiscal notes. The office also does compliance audits, as well as performance audits and reviews of state agency programs to evaluate their operations.

**LEGISLATIVE
COMPUTER
CENTER**

The Legislative Computer Center supports House, Senate, and joint computer technologies, providing technical support for a full array of services and information resources for members, their district offices, and staff. Those services include electronic document processing, storage, and retrieval; maintenance of statutory and other data bases; chamber automation; Internet pathways; electronic mail; and district office automation.

The Computer Center's Help Desk provides 24-hour technical support to the House. The publication, *Guide to Computer Services*, is the House member's handbook for the use of the legislative computer system. Applications of particular interest are described below.

Legislative Assistant provides real-time access for members to follow action on legislation on the floor and in committee. House members can view votes and the text of legislative instruments online and print documents. Legislative Assistant is available in the Capitol and can be accessed off-site by connecting to the Capitol network. It contains legislation for the current session and is only available to legislators and legislative staff.

Bill Status provides the status of an instrument, runs queries on bills, prints committee agendas and schedules, finds act numbers, and obtains various bill information. It is available in the Capitol or by connecting to the Capitol Network.

Ad Hoc Bill Status runs queries on instruments based on keyword, author, instrument type, and other criteria. It can be accessed while in the capitol or by connecting to the Capitol Network.

PREMISE® is a West program used for searching Louisiana cases, statutes and Attorney General's opinions. It is available by connecting to the Capitol Network, but works best in the Capitol. For assistance searching Premise and additional West information, contact the Poynter Library at: (225) 342-2430.

LIBRARY

The David R. Poynter Legislative Research Library (Poynter Library) is part of House Legislative Services (HLS) and is staffed by House personnel, but the Poynter Library also serves the Senate and all legislative agencies. Library staff provides members and staff copies of newspaper or journal articles, statistics, help with on-line data base and Internet searches, and other information used in committee presentation and floor debate. In some cases, library staff also refers inquiries to other appropriate staff members. The library is responsible for the PULS line, a toll-free telephone service to respond to questions from the public about the status of legislation, and also operates special information lines to respond to the questions of the House members and their district office staffs. The library staff also prepares subject indexes for all House and Senate instruments and Acts.

DOCKET

House Docket, an office within the Administrative Services section of House Legislative Services, places constitutionally required public notices for local and retirement bills with the proper official parish or state journal(s) when requested to do so by the author. Docket transmits the introductory packets of representatives' bills to the representatives at the proper time for introduction when the legislature is in session. It also serves as the Bill Room for copies of House instruments during the interim.

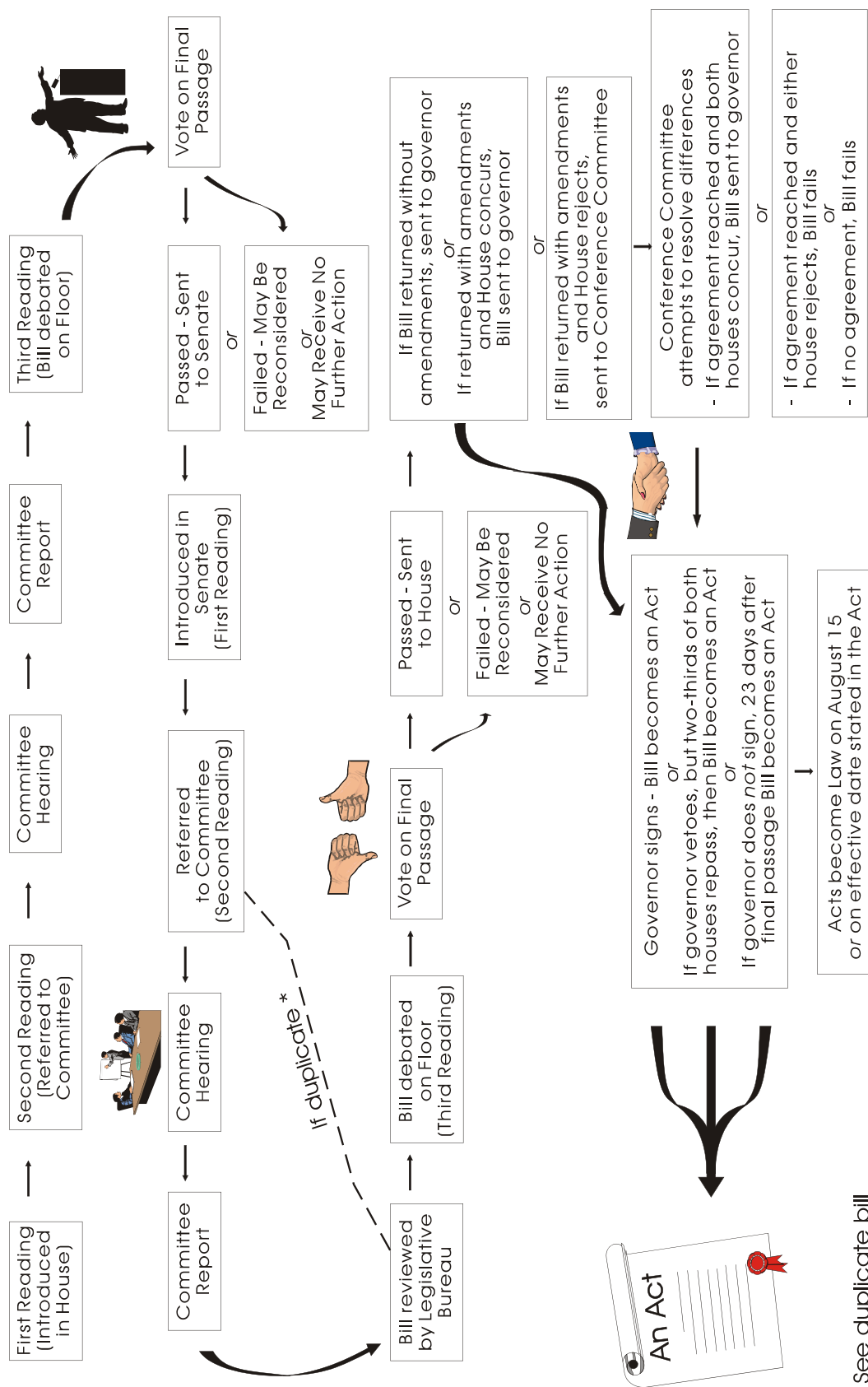
LEGISLATIVE BILL ROOM

During session, the Legislative Bill Room is located in the basement of the Capitol in Duval Hall next to the first-aid station. Its function is to make available to the public copies of all legislative instruments, daily journals, orders of the day, committee schedules and agendas, and bill status reports for the current session. There is a charge to the public for these documents to defray printing costs.

LAW INSTITUTE

The Louisiana State Law Institute (See *Louisiana State Law Institute* on page A-10.) periodically submits recommendations to the legislature in the form of legislation, much of which has been enacted as major bodies of Louisiana law. Additionally, following each legislative session, the institute edits the Acts of the legislature and directs the manner of printing the official text of the general laws of Louisiana.

How a Bill Becomes a Law



* See duplicate bill

